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FEB 25 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kevin Gordon, Jr. )

Serial No.: 10/633,177 )

Group Art Unit: 1734

Filed: August 1, 2003 )

Examiner: Not Yet Assigned

For: Systems and Methods for Welding of Parts )

Attorney Docket No.: STE-023.01

OFFICIAL

**RESPONSE TO DECISION ON**  
**APPLICANT'S PETITION UNDER 37 C.F.R. § 1.53(e)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTN: E. Shirene Willis

Dear Sir:

Applicant submits this Response in reply to the Decision of the Office of Petitions dated February 5, 2004 on Applicant's Petition under 37 C.F.R. § 1.53(e).

The Decision states that Applicant's Petition is incomplete because Applicant did not provide a copy of the executed declaration and drawing sheets 3 and 4 showing Figs. 5 and 6. The Decision also states that the present application will be retained in the Office of Petitions until copies of the omitted items are submitted.

As requested by the Office of Petitions, Applicant herewith submits a copy of the omitted items, i.e., the executed declaration and drawings sheets 3 and 4 showing Figs. 5 and 6.

Applicant's Attorney does not believe that a fee or an extension of time is required for consideration of this Response. Should a fee and/or an extension of time be required, however, Applicant's Attorney hereby petitions for same and requests that the fee required for consideration be charged to Deposit Account No. 06-1448, Reference STE-023.01.

Further, Applicants' Attorney hereby authorizes the Commissioner to credit any overpayment to Deposit Account Number 06-1448, Reference STE-023.01.


FHBoston/1017322.1

Should questions arise concerning this Response, please contact the undersigned.

Respectfully submitted,  
FOLEY HOAG LLP

Date: **February 25, 2004**

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BOSTON MA 02110

Resubmit Petition w/docs  
**DOCKETED**  
**DUE: 04-05-04**

**COPY MAILED**

FEB 05 2004

**OFFICE OF PETITIONS**

In re Application of  
Gordon  
Application No. 10/633,177  
Filed: August 1, 2003  
Attorney Docket No. STE-023.01 (18903-2301)  
For: SYSTEMS AND METHODS FOR WELDING OF  
PARTS

ON PETITION

This is a decision on the petition filed November 13, 2003 requesting, in effect, withdrawal of the Notice to File Missing Parts of Nonprovisional Application, mailed October 30, 2003. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The application was filed on August 1, 2003. On October 30, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that an executed declaration and figures 5 and 6 as described in the specification appeared to have been omitted.

In response to the Notice, petitioner filed the present petition. Petitioner desires figures 5 and 6 to be accorded a filing date of August 1, 2003 on the basis that 4 pages of informal drawings were received in the Patent and Trademark Office (PTO) on August 1, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 1, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 4 pages of informal drawings and an executed declaration. A review of the application file reveals that there is no declaration present and there are only 2 sheets of drawing figures present, depicting figures 1, 2, 3, and 4.

The return postcard constitutes *prima facie* evidence that an executed declaration and 4 sheets of drawing figures were filed on August 1, 2003. MPEP 503.

Unfortunately, the instant petition is incomplete. Petitioner has not provided a copy of the executed declaration. Petitioner has not provided a copy of drawing sheets 3 and 4. The application cannot undergo further processing without a copy of the executed declaration and drawing sheets 3 and 4.

The application file will be retained in the Office of Petitions until copies of the executed declaration and drawing sheets 3 and 4 are submitted. Once the omitted documents are submitted and the petition is granted, the \$130.00 petition fee submitted with the instant petition will be credited to petitioner's deposit account.

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PATENT DEPT.

Application No. 10/633,177

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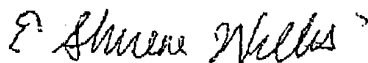
Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
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**By FAX:** (703) 872-9306  
ATTN: Office of Petitions -- E. Shirene Willis

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.



E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions